

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TRENTON J. LOHMAN,

Plaintiff,

v.

T. FELKER, Warden,

Defendant.

Civil No. 07cv00905 J (CAB)

**ORDER REGARDING PETITIONER'S  
MOTION FOR REVERSAL OR  
MODIFICATION OF ORDER GRANTING  
EXTENSION OF TIME TO FILE  
ANSWER TO PETITION FOR WRIT OF  
HABEAS CORPUS [Docket No. 14]**

Petitioner, a state prisoner proceeding *pro se*, has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On June 15, 2007, Petitioner filed a Motion to Stay Proceedings involving his Petition so he could exhaust claims in state court.<sup>1</sup> (Docket No. 6.) Respondent filed an Opposition to the Motion to Stay on August 8, 2007. (Docket No. 12.) Respondent also filed a Motion for Extension of Time to File an Answer to the Petition on July 19, 2007, (Docket No. 8), which this Court granted on July 23, 2007, (Docket No. 11).

On August 8, 2007, Petitioner filed a Motion for Reversal or Modification of Order Granting Extension of Time for Respondent to file an Answer to the Petition. (Docket No. 14.) Petitioner contends the extension was in error because his Motion to Stay is currently pending in this Court. However, this Court's grant of an extension of time for Respondent to file an Answer has no impact on Petitioner's pending Motion to Stay. In the event Petitioner's Motion to Stay is granted, Respondent

<sup>1</sup> Petitioner filed a brief in support of his motion on July 19, 2007. (Docket No. 10.)

1 will be required to file an amended answer to respond to Petitioner's amended petition, which would  
2 supercede Respondent's original answer. Accordingly, the Order Granting Respondent's Motion for an  
3 Extension was proper and Petitioner's Motion for Reversal or Modification is hereby **DENIED**.

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5 **IT IS SO ORDERED.**

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7 DATED: August 16, 2007

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10 **CATHY ANN BENCIVENGO**  
11 United States Magistrate Judge  
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